



BOULT • CUMMINGS  
CONNERS • BERRY PLC

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February 28, 2002 OFFICE OF THE  
EXECUTIVE SECRETARY

Mr. David Waddell  
Executive Secretary  
Tennessee Regulatory Authority  
360 James Robertson Parkway  
Nashville, TN 37201

Re: In the Matter of Petition Of Tennessee UNE-P Coalition To  
Open Contested Case Proceeding To Declare Unbundled  
Switching An Unrestricted Unbundled Network Element

Docket No. 02-00207


Dear David:

Please bring the attached Motion to Set Procedural Schedule to the attention of  
Director Melvin Malone, who is the Hearing Officer in the above-captioned proceeding. Thank  
you for your attention to this matter.

Very truly yours,

BOULT, CUMMINGS, CONNERS & BERRY, PLC

By:

  
Henry Walker

HW/nl  
c: Guy Hicks, Esq.  
Enclosure

**BEFORE THE TENNESSEE REGULATORY AUTHORITY  
NASHVILLE, TENNESSEE**

IN RE: In the Matter of Petition Of Tennessee )  
UNE-P Coalition To Open Contested Case )  
Proceeding To Declare Unbundled Switching ) Docket No. 02-00207  
An Unrestricted Unbundled Network Element )

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**MOTION TO SET PRE-HEARING CONFERENCE**

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The Tennessee UNE-P Coalition requests that the Hearing Officer set a pre-hearing conference on the afternoon of March 7, 2002, for the purpose of setting a procedural schedule in this matter and, if the Hearing Officer requests, to hear argument on outstanding motions.

The Petition was filed on February 25, 2002. On February 26, 2002, the Hearing Officer directed BellSouth Telecommunications, Inc. ("BST") to file a response to the Coalition's Petition by March 4, 2002, and directed the Petitioners to file a reply to BST by March 7, 2002. Consistent with this request to set a pre-hearing conference on March 7, the Petitioners will file their response to BST on March 6, 2002, one day earlier than directed by the Hearing Officer.<sup>1</sup>

The Petitioners have already proposed a procedural schedule which presumes that the deadlines set forth in T.C.A. § 65-5-209(d) apply to this case. In light of the procedural objections raised by BellSouth and the carrier's announced intention to file a Motion to Dismiss,

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<sup>1</sup> By copy of this motion, Petitioners request that BellSouth serve the Petitioners with an electronic copy of BellSouth's filing at the following address: [hwalker@boultcummings.com](mailto:hwalker@boultcummings.com)

the Petitioners submit the attached, revised schedule which begins to run on the date of the Hearing Officer's decision addressing BellSouth's procedural objections.<sup>2</sup>

Respectfully submitted,

BOULT, CUMMINGS, CONNERS & BERRY, PLC

By: 

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414 Union Street, Suite 1600  
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<sup>2</sup> Because of the procedural objections raised by BST, the Petitioners propose that, for purposes of calculating the time periods set forth in T.C.A. § 65-5-209(d), the Petition should be deemed filed on the date the Hearing Officer issues an order finding that the statute applies to this case. But even if the Hearing Officer holds that Section 209(d) does not apply, Petitioners submit that the attached schedule is consistent with the Authority's recent practice of handling carrier-to-carrier complaints on an expedited basis.

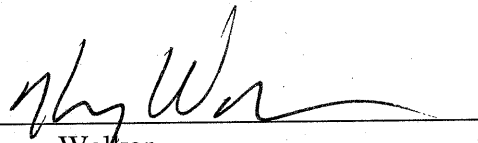
### **PROPOSED PROCEDURAL SCHEDULE**

Day 1	Hearing Officer Issues Decision on Outstanding Motions
Day 4	Parties issue discovery requests
Day 11	Parties respond to discovery requests
Day 18	BellSouth Direct Testimony Due
Day 25	Petitioner's Rebuttal Testimony Due
Day 30	Hearing
Day 37	Simultaneous filing of post-hearing briefs
Day 40	Simultaneous filing of reply briefs

## CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been forwarded via fax or hand delivery and U.S. mail to the following on this the 28<sup>th</sup> day of February, 2002.

Guy Hicks, Esq.  
BellSouth Telecommunications, Inc.  
333 Commerce St., Suite 2101  
Nashville, TN 37201-3300

  
Henry Walker